



# INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA STATE EXCISE POLICE  
TITLE: NEPOTISM  
CASE ID: 2018-04-0128  
DATE: June 25, 2018

*Inspector General Staff Attorney Kelly Elliott, after an investigation by Inspector General Special Agent Michael Lepper, reports as follows:*

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in the executive branch of state government. IC 4-2-7-2(b). The OIG also investigates criminal activity and ethics violations by state workers. IC 4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. IC 4-2-7-3(2). The OIG also may advise an agency on implementing policies and procedures to prevent and reduce the risk of wrongful acts within an agency. IC 4-2-7-3(2).

On April 24, 2018, the OIG received an anonymous complaint that alleged a Captain and a Corporal of the Indiana State Excise Police (ISEP) were in violation of the Code of Ethics' nepotism rule. Special Agent Michael Lepper investigated the matter.

Special Agent Lepper confirmed that the Captain and the Corporal are relatives pursuant to the definition of relative found in IC 4-2-6-1. He found that the Captain and the Corporal are assigned to different ISEP districts and the Corporal is not in the Captain's direct line of supervision. He found no evidence that the Captain has ever provided instructions or assignments

to the Corporal, approved of any of the Corporal's paperwork, or signed any of the Corporal's performance evaluations.

Special Agent Lepper's review found that the Captain and the Corporal attend training details together and often ride in the same vehicle to and from such training details. The Captain and the Corporal also attend the same large details, which require all ISEP sworn officers. Special Agent Lepper learned that ISEP did not place the Captain and the Corporal on the same teams at such large details. His review also found no evidence that the Captain has been the highest-ranking officer at such large details. Special Agent Lepper also learned of an incident wherein the Captain and the Corporal transported and delivered equipment together to one of the ISEP district offices.

Overall, Special Agent Lepper's review found insufficient evidence of a nepotism violation involving the Captain and the Corporal. As a result, the OIG declines to pursue an ethics complaint in this matter.

Although the OIG is declining to file an ethics complaint in this matter, the OIG found that the Captain and the Corporal's interactions create the risk of an appearance of impropriety and/or a potential future violation of the nepotism rule. As a result, the OIG is making the following recommendation, which it made, in part, in [OIG Investigative Report 2015-07-0119](#) as Recommendations 2 and 3. The OIG makes this recommendation pursuant to IC 4-2-7-3(2) to prevent issues like this in the future:

### **Recommendation**

To address potential nepotism violations or the appearance of nepotism, ISEP should avoid assigning relatives to work and/or ride together on details when possible, especially where one relative could be placed under another relative's supervision in an emergency situation.

ISEP has made progress towards meeting this recommendation since the OIG's 2015 review. In response to the OIG's Investigative Report 2015-07-0119, ISEP revised its nepotism policy, which became effective in April 2017. Section IV. C. of the policy reads, "Supervisory personnel **shall not** be placed in the direct chain of command of a subordinate employee." Further, Section IV. E. reads, "Supervisory personnel should not exercise any implied or actual authority over the other subordinate supervisors in order to provide any type of **benefit** to the related employee." This language seems to prohibit a supervisor from having any type of authority over a relative subordinate, even while on detail. Nonetheless, this investigation revealed that the perception may still exist that ISEP assigns relatives to the same details, which may allow for a subordinate to be supervised by a relative. The OIG recommends that ISEP either specifically include language that restricts supervision of relatives during details in its nepotism policy or otherwise communicate this restriction to all ISEP staff.

Dated: June 25, 2018

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

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Lori Torres, Inspector General